

1 MARY SCHULTZ
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Attorney for Plaintiff

Hon. Mary K. Dimke

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 JENNIFER TYLER,
10 Plaintiff,
11 v.
12 CHERL COUNTY and CHERL
13 COUNTY SHERIFF'S OFFICE,
14 Defendants.

Case No. 2:19-cv-00172-MKD
DECLARATION OF MARY
SCHULTZ

Hearing Date: April 12, 2023
requested
Hearing Time: 11:00 a.m.
With Oral Argument

17 Mary Schultz, being first duly sworn upon oath, declares and states as
18 follows:
19

20 1. I am the attorney for Plaintiff Jennifer Tyler. I appeared in the case
21 on March 23, 2023 because of what I understood to be issues Plaintiff's counsel
22 was having with moving forward through no fault of the client.
23

24 2. A pretrial hearing is scheduled in the above for April 12, 2023 at

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1 11:00 a.m. I ask that the accompanying motion to continue trial be heard at that
2 time, and I request that a new (fifth) scheduling order issue.
3

4 3. Plaintiff's Complaint was filed on May 17, 2019, ECF 1, while
5 Plaintiff was still employed as a Deputy Sheriff in the Chelan County Sheriff's
6 Office. (Complaint at 3.1). Defendants apparently fired her on August 29, 2019,
7 but her complaint has not been amended to include the retaliatory termination.
8 The complaint does not include a tort claim for intentional infliction of
9 emotional distress, which is necessary.
10

11 4. The case is not remotely ready for trial. Discovery is not complete,
12 nor, in many respects, does it appear to have been started.
13

14 5. The case has a complicated history that involves a prior jury trial in
15 2018, a collective bargaining process that apparently went on while this federal
16 action was stayed for some unknown reason, certain releases of claims have
17 apparently been executed in the context of ancillary proceedings, and there were
18 more than one such proceeding. I believe that Plaintiff may have bargained away
19 her economic loss claim, which would have likely continued until the expected
20 date of her retirement otherwise and I am unclear as to how or why that happened
21 while this federal action for wage loss was pending. I was told by Mr. Kelly
22
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1 about an offer of judgment having been made, which I have not seen.
2

3 6. There has been some exchange of discovery documents, but I am
4 still trying to obtain all discovery and prior counsel's file. The documents I have
5 been linked to are not extracted as exhibits or in categories for deposition or trial
6 use.
7

8 7. There appear to have been no depositions taken by Plaintiff. It
9 appears as though the defense may have taken a portion of the deposition of
10 my client, but there is no transcript.
11

12 8. I received, today, one note of a witness interview.
13

14 9. Today, I received the trial transcripts I requested from the 2018 trial
15 today which can assist in addressing what is and is not at issue in this case.
16

17 10. There appear to be no experts yet disclosed by either side, or,
18 potentially, experts retained. Again, depending on the discovery, it would be my
19 intention to obtain expert testimony in particular relative to the psychological
20 aspects of this case of what at least appears to be ongoing harassment and trauma
21 to a plaintiff over a period of years.
22

23 11. There has evidently been no counseling to fall back on,
24 recommended, nor provided for, nor any Independent Medical Exams (IME). It
25

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1 is possible that the County used the ancillary collective bargaining process to
2 settle that aspect without IME evidence, which means there is no such evidence
3 now available to me.
4

5 12. I am told that there were a number of agreements that were made
6 between counsel, but I have not received evidence of what those agreements
7 were, if they were reduced to emails, writings or notes, or letters.
8

9 13. I accepted this case with an understanding that Plaintiff's counsel
10 was unable to move forward with the claim for his and his firm's own reasons,
11 which had nothing to do with the client, Jennifer Tyler. I understood that these
12 issues caused the difficulties in counsel developing the discovery. Presenting
13 Ms. Tyler's claim requires time to sort out what is and what is not here, and then
14 literally start from near scratch to develop what is available.
15
16

17 14. It is my belief that some of the witnesses that were employed by the
18 County are no longer employed there, and I am unclear as to whether County
19 Counsel will produce those witnesses for depositions, or require that I issue
20 process to them.
21
22

23 15. I am a sole-practitioner operating with one full-time paralegal, one
24 contract paralegal, and a call screener. I am unable to meaningfully develop this
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1 case by November 2023. I have a trial docket through February 2024, with other
2 cases also being set in early 2024.
3

4 16. I request that this trial date be reset to April 2024, with all
5 compliance deadlines reissued, starting with amendment deadlines. I ask for a
6 new discovery cutoff date of January 31, 2023.
7

8 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
9 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE.

10 Signed at Spokane County, Washington on this 4th day of April, 2023.
11

12 MARY SCHULTZ LAW, P.S.

13 /s/Mary Schultz
14 Mary Schultz, WSBA # 14198
15 Attorney for Plaintiff
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 4th day of April, 2023, she electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all counsel and parties registered for the above case in the ECF system.

Dated this 4th day of April, 2023.

MARY SCHULTZ LAW, P.S.

/s/Mary Schultz
Mary Schultz, WSBA # 14198
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